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In re Application of  
Schramm et al.  
Application No.: 10/560,676  
PCT No.: PCT/US04/20902  
Int. Filing Date: 30 June 2004  
Priority Date: 02 July 2003  
Attorney Docket No.: 96700/1076  
For: SIR2 Regulation

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: DECISION  
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: ON  
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: PETITION  
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2007. This is a decision on applicants' renewed petition under 37 CFR 1.181 filed on 11 July

### DISCUSSION

In a Decision mailed on 25 May 2007, the renewed petition filed on 03 April 2007 was dismissed without prejudice because

In response, petitioner has provided "a copy of the firm's docket sheets for patent and patent application response due dates for the period 01-May-2006 to 31-May-2006 (229 pages), which show that no due dates were docketed for the subject application." Although the records submitted are of the appropriate type, inspection of the submission reveals that only 216 pages (plus a "Report Selection" sheet) have been received into the application file, rather than the 229 pages described by counsel. In the event that sheets were in fact missing from the submission filed on 03 April 2007, it would not be possible to ascertain whether the instant case was docketed for response on one of the missing pages. Petitioner is required to resolve this discrepancy by either (1) providing a statement that 216 is the correct number of sheets and the conflicting number appearing in the petition is in error; or (2) providing copies of the missing sheets. In the absence of a resolution of said discrepancy, it would not be appropriate to grant the requested relief on the basis of the present record.

In response, petitioner explains that

the gap in the previously submitted docket sheets occurred at pages 157, 167, 182 and 213-221, and represents docket sheets for associates who left the firm prior to May 2006. The docket sheets for these associates were not preserved in the firm's archives since these attorneys left the firm, and because the various matters set forth in their respective docket sheets were transferred to other attorneys in the firm. That is, all matters previously included on the docket sheets for these associates were transferred and included in the docket sheets previously submitted. Therefore, the previously submitted docket sheets constitute a true, accurate and complete representation of all docket entries for the firm's patent prosecution matters for the period 01-May-2006 to 31-May-2006. None of the previously submitted docket sheets include any docket entries for the subject application during the time period 01-May-2006 through 31-May-2006.

Petitioner further suggests that the Notification of Missing Requirements "would have been docketed under my name," and describes redundancies present in the docket records. On the basis of counsel's explanation, it now would be appropriate to consider requirement (3) to have been satisfied. As such, the Notification of Abandonment mailed on 28 December 2006 is hereby VACATED.

CONCLUSION

The petition to withdraw the holding of abandonment is GRANTED.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).



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